

**November 11, 2009**

## **Frequently Asked Questions (FAQ's) on the 20 % Apprentice Requirement**

1) Question: What is an Apprentice Utilization Plan?

Answer: An Apprentice Utilization Plan is a document provided by the bidder to the awarding authority detailing how the bidder plans to meet the 20% apprentice requirement. The Apprentice Utilization Plan is not an apprentice program. It is the calculation in hours by the bidder to the awarding authority of how many apprentice hours each trade will provide to the overall apprentice goal.

2) Question: When should an Apprentice Utilization Plan be submitted to the awarding authority?

Answer: The Apprentice Utilization Plan should be submitted at the time of bid.

3) Question: Why should the plan be submitted at the time of bid?

Answer: It is important that the awarding authority has a document in hand at the time of bid to determine whether the bidder will be responsive to the apprentice requirement. The awarding authority will be able to use the planning document to track the bidder's compliance with the goal. It is in the best interest of both the bidder and the awarding authority to have a plan submitted in advance so that compliance with the law can be better anticipated.

4) Question: Is the apprentice requirement 5% or 20% of worker hours on the project.

Answer: The legal requirement is to employ apprentices for at least 20% of the total worker hours for the project. If your project actually employs apprentices for 5% or less of the worker hours during the project, you will be required to submit a compliance plan.

5) Question: What is a compliance plan?

Answer: A compliance plan is the plan submitted to the awarding authority by the bidder when a bidder falls below a minimum of 5% apprentice hours at any time during the project. The plan should include detailed actions designed to bring the bidder back into compliance with the original 20% Apprentice Utilization Plan.

6) Question: How do I measure compliance with the 20% apprentice requirement?

Answer: The contractor should provide weekly updates of the apprentices employed on the project with the weekly certified payrolls indicating progression toward this goal. A sample form is attached to this guidance document.

7) Question: When utilizing filed sub-bidders on a project how do I manage the 20% apprentice requirement?

Answer: The best way to ensure that the prime contractor is able to manage the apprentice requirement is to have the filed sub-bidders include an apprentice sponsor verification form at the time of bid.

#### **Updated on 12/9/2009**

8) Question: The guidance letter states that the law does not require that a contractor have a registered apprentice program *at the time of bid*. Can an awarding authority have a higher standard and require proof from each contractor that it has a registered program for each occupation that will perform work on the project at the time of bid?

Answer: It is up to each awarding authority to determine what qualifications are required at the time of bid to ensure that job requirements for the apprenticeship requirement will be met. (see question # 7) All requirements should be included in the bid documents to ensure compliance.

9) Question: If an awarding authority is bidding an ARRA funded project and also has a stricter apprentice standard because of a responsible employer ordinance (REO) that requires all contractors to have an apprentice program registered with the Division of Apprentice Training (DAT), which standard prevails?

Answer: The stricter REO standard would prevail which requires proof of apprenticeship registration with the DAT at the time of bid. The rest of the 20% apprentice requirement would still need to be met.

#### **Updated on 2/24/2010**

10) Question: I am a contractor planning on registering an apprentice program with the Division of Apprentice Training. Can I use my existing Journeyworkers as apprentices?

Answer: No, not if they are already Journeyworkers. A Journeyworker is defined as a worker who has attained a level of skill, abilities and competencies recognized within an industry as having mastered the skills and competencies required for the occupation. In the case of licensed professions, Journeyworker shall mean a worker who is licensed as required in the provisions of the laws of the Commonwealth of Massachusetts.

The purpose of apprenticeship is to provide on the job training along with related classroom training and a progressive wage schedule to entry level applicants. The Division of Apprentice Training is requiring verification of a worker status with regard to prior experience and payroll records to determine whether an applicant meets the qualifications to be an apprentice. If we find that an individual registered as an apprentice is actually a Journeyworker, the sponsor's program may be suspended. We will presume that an individual in a non-licensed trade who has been employed in that trade for a period of six years or longer is a Journeyworker.

*Disclaimer: These recommendations have been provided by the Division of Apprentice Training in order to help awarding authorities facilitate compliance with the 20% apprentice requirement on ARRA funded public projects. Awarding authorities and contractors should consult the relevant laws pertaining to public construction procurement and the apprentice participation requirement for further information.*